

element on a distal portion of the shaft for severing a tissue specimen from a target site within a patient's body and an at least one element secured to the distal portion of the shaft for encapsulating said the tissue specimen so that it may be withdrawn as a single unit from the patient's body.

18. (Currently Amended) The biopsy instrument as recited in Claim 17, wherein ~~said the~~ encapsulating element comprises a band which is disposed along ~~said the shaft[[,]] said band being~~ and which is actuatable between a radially retracted position and a radially extended position.

19. (Original): The biopsy instrument as recited in Claim 17, wherein said encapsulating element comprises a plurality of bands disposed along said shaft, each of said bands being actuatable between a radially retracted position and a radially extended position.

20. (Original): The biopsy instrument as recited in Claim 19, wherein said cutting element comprises one of said encapsulating elements.

21. (Currently Amended) An instrument for retrieving ~~body a~~ tissue specimen from a target site in a patient's body, having a longitudinal axis and comprising:

an elongated shaft having a distal end adapted configured for entry into a patient's body; and

a tissue cutting element on a distal portion of the elongated shaft configured to sever a tissue specimen from the target site; and

[[an]] at least one element secured on a distal portion of the elongated shaft for encapsulating a tissue specimen so that it may be withdrawn ~~as a single unit~~ from the patient's body.

22. (Original): The instrument as recited in Claim 21, wherein said encapsulating element comprises an axially disposed band, said band being actuatable between a radially retracted position and a radially extended position.

23. (Currently Amended) The biopsy instrument as recited in Claim 21, wherein said encapsulating element comprises a plurality of bands disposed along ~~said~~ a longitudinal axis thereof, each of ~~said the~~ bands being actuatable between a radially retracted position and a radially extended position.

24. (Currently Amended) The biopsy instrument as recited in Claim 23, wherein said instrument is rotatable about ~~said~~ a longitudinal axis thereof in order that said bands may be twisted for encapsulating said tissue specimen.

25. (Currently Amended) The biopsy instrument as recited in Claim 21, ~~and further comprising an axially disposed~~ wherein the cutting element is axially aligned, ~~the cutting element being~~ is actuatable between a radially retracted position and a radially extended position, and ~~being~~ is rotatable about ~~said the~~ axis in said radially extended position to isolate [[a]] the desired tissue specimen from surrounding tissue at the target site by defining a peripheral margin about ~~said the~~ tissue specimen.

26. (Original): The biopsy instrument as recited in Claim 25, wherein said cutting element comprises an electrosurgical cutting element.

27. (Original): The biopsy instrument as recited in Claim 21, and further comprising a sheath which is axially movable between distal and proximal positions for selectively covering and uncovering the encapsulating element.

28. (Original): The biopsy instrument as recited in Claim 21, and further comprising a cutting element which is actuatable to cut tissue as said instrument is proximally withdrawn from said patient's body with said encapsulated intact tissue specimen.

29. (Canceled)

30. (Currently Amended) A method for ~~retrieving~~ obtaining a tissue specimen from a target site within a patient's body, comprising ~~the steps of:~~

inserting into the patient's body an instrument having an elongated shaft, a distal end, a longitudinal axis, and an axially disposed cutting element ~~into the patient's body~~ on a distal portion thereof, so that the distal end is disposed in ~~a tissue region~~ target site from which the tissue specimen is to be taken;

radially extending said the cutting element ~~so that a portion thereof is radially outwardly spaced from the axis of said instrument;~~

rotating said the radially extended cutting element about said the axis to cut said the tissue specimen and create a peripheral boundary about said the tissue specimen, to isolate the tissue specimen from surrounding tissue in the ~~tissue region~~ target site; and

encapsulating said the isolated tissue specimen; and

withdrawing the encapsulated tissue specimen from the patient's body.

31. (Previously amended): The method as recited in Claim 30, wherein the encapsulating of the tissue specimen includes radially expanding at least one encapsulating element so that a portion thereof is radially outwardly spaced from the axis of said instrument and rotating said instrument about its axis so that said at least one encapsulating element encloses said tissue specimen.

32. (Original): The method as recited in Claim 31, wherein said at least one encapsulating element comprises a plurality of bands which are disposed axially along said instrument.

33. (Previously amended): The method as recited in Claim 30, and further comprising proximally withdrawing said instrument, with the encapsulated tissue specimen, from the patient's body, and including cutting tissue as the instrument is withdrawn.

Claims 34-39 (Cancelled)

40. (Currently Amended) An elongated device for accessing a tissue site, comprising:

- a. an elongated shaft having proximal and distal ends;
- b. a thin cutting electrode secured to the distal end of the elongated shaft having a blunt arcuate activatable tissue engaging portion spaced distally from the distal end of the shaft; and

c. an elongated electrical conductor having one end electrically connected to the thin electrode secured to the distal end and one end configured to be electrically connected to a high frequency electrical power source.

41. (Previously Added): The elongated accessing device of claim 40 wherein the thin electrode secured to the distal end of the elongated shaft is formed of conductive metallic material.

42. (Previously Added): The elongated accessing device of claim 40 wherein the elongated shaft is provided with a cutting member at a location spaced proximally from the distal end of the elongated shaft.

43. (Previously Added): The elongated accessing device of claim 42 wherein the cutting member spaced proximal to the distal end has a radially unexpanded configuration and a radially expanded configuration.

44. (Previously Added): The elongated accessing device of claim 43 wherein the cutting member is at least in part arcuate in shape when in a radially expanded configuration.

45. (Previously Added): The elongated accessing device of claim 44 wherein the cutting member is a tissue cutting electrode.

46. (Previously Added): The elongated accessing device of claim 45 wherein an electrical conductor is provided having one end electrically connected

to the cutting member and one end configured to be electrically connected to a high frequency electrical power source.

47. (Previously Added): The elongated accessing device of claim 46 wherein the arcuate cutting member is rotatable about a longitudinal axis of the elongated shaft.

48. (Currently Amended) A biopsy device, comprising:  
a tubular member having [an opening near] a distal tip thereof;  
a cutting tool[[,]] having a distal end ~~of the cutting tool being attached to the tubular member near the distal tip of the tubular member[[,]] at least a distal portion of the cutting tool being~~ which is configured to selectively bow out of the opening and to retract ~~within~~ into the opening; and  
a tissue collection device ~~externally attached at least to the tubular member[[,]] the tissue collection device~~ for collecting tissue severed by the cutting tool as the biopsy device or a portion thereof is rotated and the cutting tool is bowed outwardly away from the tubular member.

49. (Currently Amended) A biopsy device, comprising:  
a single use disposable tubular member having ~~an opening near a distal tip thereof, the tubular member including~~ a cutting tool[[,]] with a distal end of the cutting tool ~~being attached near the~~ a distal tip of the tubular member[[,]] and at least a distal portion of the cutting tool ~~being~~ configured to selectively bow

~~out of the opening and to retract within the opening~~ away from an exterior portion of the tubular member; and

a single use disposable tissue collection device externally attached at least to the tubular member~~[[,]] the tissue collection device~~ for collecting tissue severed by the cutting tool as the biopsy device is rotated and the cutting tool is bowed outwardly.

50. (New) A method for obtaining a tissue specimen from a target site within a patient's body, comprising:

- a. providing a tissue obtaining instrument having an elongated shaft, a distal end, a longitudinal axis, and an axially disposed radially expandable cutting element proximally spaced from the distal end;
- b. advancing the tissue obtaining instrument into the patient's body until the distal end of the instrument is disposed in the target site from which the tissue specimen is to be taken;
- c. radially extending the cutting element away from the elongated shaft so that a portion thereof extends outwardly in an arcuate shape spaced away from the instrument;
- d. rotating the radially extended arcuate shaped cutting element about the longitudinal axis of the instrument to cut a tissue specimen from surrounding tissue at the target site;
- e. encapsulating the cut tissue specimen; and

- f. removing the encapsulated tissue specimen and the tissue obtaining instrument from the patient.

51. (New) A biopsy instrument comprising an elongated shaft, a cutting element on a distal portion of the shaft for severing a tissue specimen from a target site within a patient's body and at least one means for encapsulating the severed tissue specimen so that it may be withdrawn from the patient's body.

52. (New) An instrument for retrieving a tissue specimen from a target site in a patient's body, comprising:

- an elongated shaft having a distal end configured for entry into a patient's body; and

- a tissue cutting means on a distal portion of the elongated shaft configured to sever a tissue specimen from the target site; and

- at least one means on a distal portion of the elongated shaft for encapsulating a tissue specimen so that it may be withdrawn as a single unit from the patient's body.

53. (New) A biopsy device, comprising:

- an elongated shaft having a distal tip;

- a cutting means having a distal end attached to the elongated shaft near the distal tip of the elongated shaft which is configured to selectively bow out of the opening and to retract into the opening; and



a tissue collection means attached at least to the elongated shaft for collecting tissue severed by the cutting means as the biopsy device or a portion thereof is rotated and the cutting means is bowed outwardly away from the elongated shaft.

54. (New) A biopsy device, comprising:

a single use disposable elongated shaft having a cutting tool with a distal end of the cutting means attached near a distal tip of the elongated shaft and at least a distal portion of the cutting tool configured to selectively bow away from an exterior portion of the elongated shaft; and

a single use disposable tissue collection means externally attached at least to the elongated shaft for collecting tissue severed by the cutting tool as the biopsy device is rotated and the cutting tool is bowed outwardly.

55. (New) A method for obtaining a tissue specimen from a target site within a patient's body, comprising the steps of:

- a. providing a tissue obtaining instrument having an elongated shaft, a distal end, a longitudinal axis, and an axially disposed radially expandable cutting element proximally spaced from the distal end;
- b. advancing the tissue obtaining instrument into the patient's body until the distal end of the instrument is disposed in the target site from which the tissue specimen is to be taken;

- c. radially extending the cutting element away from the elongated shaft so that a portion thereof extends outwardly in an arcuate shape spaced away from the instrument;
- d. rotating the radially extended arcuate shaped cutting element about the longitudinal axis of the instrument to cut a tissue specimen from surrounding tissue at the target site;
- e. encapsulating the cut tissue specimen; and
- f. removing the encapsulated cut tissue specimen and the tissue obtaining instrument from the patient.

56. The biopsy instrument of claim 17 wherein the at least one element for encapsulating the tissue specimen has a leading edge which advances over the cut tissue specimen.